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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/827,399	04/19/2004	Masaaki Takabe	09812.0401-00000	3120
22852 7590 09/29/2008 FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413				
EXAMINER ROSSELL, MICHAEL				
ART UNIT 2173		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/827,399

Applicant(s)

TAKABE ET AL.

Examiner

Michael Roswell

Art Unit

2173

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-5 and 7-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-5 and 7-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 3-5 and 7-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nguyen (US Patent # 7,036,091) in view of Robbins (US Patent # 6,819,344 B2) and further in view of Vayda et al (US Patent # 5,745,717), hereinafter Vayda.

As to independent claims 1 and 5, Nguyen teaches:

- displaying a first ring on a picture screen and a plurality of icons at predetermined intervals on the first ring (i.e. ring as menu 420, with icons as options 424, see col. 7 lines 64-67 on TV 104);
- rotating each displayed icon on the first ring while maintaining the order of arrangement (i.e. see col. 8, lines 13-23);
- highlighting an icon corresponding to an operation (see col. 8 lines 29-33),
- selecting a highlighted icon at (col. 8, lines 29-33), and
- performing the operation corresponding to the selected icon (see col. 8 lines 29-33).

Nguyen teaches a display method according to claim 1 (see claim 1 above), but does not teach wherein said icon displayed at a specific position of said ring is displayed larger than the other icons positioned on the ring. Robbins teaches wherein said icon displayed at a specific position of said ring is displayed larger than the other icons positioned on the ring (i.e. enlarging by not occluding a selected segment through warping controls, by way of graphical manipulations such as the “fish-eye” technique, at col. 5, lines 35-38). Nguyen teaches that the multiple rings may be hierarchically related (Abstract).

Therefore, it would have been obvious to one of ordinary skill in the art, having the teaching of Nguyen and Robbins before him at the time the invention was made, to modify the displaying of selected icons as taught by Nguyen to include displaying a larger icon that is

selected as taught by Robbins with the motivation being to "examine details associated with the selected image," (see col. 6, lines 15-20, 'Robbins).

Robbins further teaches:

- displaying the highlighted icon surrounded by a second ring (i.e. wheel or ring 352);
- enlarging and adding detail to the second ring when the highlighted icon is selected (i.e. see Fig. 12 and col. 6, lines 15-19);

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to display the second ring in a smaller diameter than the first ring. Applicant has not disclosed that a smaller diameter provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with the second ring of Robbins because the functionality of the second ring menu is not affected by the size of the ring.

Therefore, it would have been obvious to one of ordinary skill in the art to modify Nguyen and Robbins to include the smaller-diameter second ring, as claimed.

However, Nguyen and Robbins fail to explicitly teach automatically centering the selected icon on the picture screen and removing the remaining plurality of icons on the first ring from the picture screen.

Vayda teaches a ring menu system similar to that of Nguyen and Robbins (see Vayda, Fig. 11). Furthermore, Vayda teaches automatically centering the selected icon on the picture screen, taught as the positioning of the item highlighter in the focus or default position of col. 13, lines 18-23. While Vayda discloses at col. 6, lines 46-48 that the focus position need not be the center of an object, this passage clearly indicates that a focus position as centering is commonly utilized in the art and not out of the realm of Vayda.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Nguyen, Robbins, and Vayda before him at the time the invention was made to

modify the ring menu system of Nguyen and Robbins to include the full-screen enlargement of Vayda. One would have been motivated to make such a combination for the advantage of allowing a user to more efficiently manipulate the user interface. See Vayda, col. 1, lines 46-49.

As to claims 3 and 7, Robbins and Nguyen teach displaying icons corresponding to respective input items at predetermined intervals on the second ring, the input items corresponding to a plurality of secondary operations of the operation (i.e. items 358 around ring 352 of Robbins, and the hierarchically related ring menus of Nguyen, as taught in the Abstract).

As to claims 4 and 8, Nguyen teaches a display method according to claim 1, wherein one of the icons displayed on the first ring corresponds to the operation of returning a display including a previous menu layer (i.e. fade in or out as needed, see col. 9 lines 56-61).

Regarding claims 9 and 10, Nguyen can be shown to teach highlighting the first ring when performing selections on the first ring, taught by the arrows of Fig. 7-9.

Regarding claim 11 and 13, Robbins teaches the displayed icons of the first ring that are closer to the highlighted icon being larger than the displayed icons of the first ring that are further from the highlighted icon, taught as the use of a "fisheye" technique focused on a selected icon, at col. 5, lines 35-38, which is well-known to warp an image such that the focused part is enlarged relative to portions of the image further from the focused portion.

Regarding claim 12 and 14, Vayda teaches removing the remaining plurality of icons on the first ring from the picture screen, at col. 13, lines 18-23.

Response to Arguments

Applicant's arguments filed 17 June 2008 have been fully considered but they are not persuasive.

In response to Applicant's arguments concerning the Robbins reference, the examiner respectfully disagrees. Applicant argues that Robbins fails to teach the wheel 326 and segment 328 as different levels of a hierarchical menu. The examiner contends that Nguyen, not Robbins, is cited to teach such. With respect to Applicant's arguments concerning the second ring being a smaller diameter, the examiner has clarified the rejection above to more specifically address the claimed smaller diameter. The examiner also notes that Vayda, not Robbins, is cited to teach centering a selected icon. As to "adding detail to" the wheel 326, at col. 6, lines 15-19, Robbins states that the semantic zooming component may be used such that a user can "zoom in to examine details and individual values of data associated with a selected part of the image".

In response to Applicant's argument that Vayda fails to teach "automatically centering the selected icon on the picture screen", the examiner points to the above rejection, where it has been demonstrated that Vayda discloses at col. 6, lines 46-48 that the focus position need not be the center of an object, this passage clearly indicates that a focus position as centering is commonly utilized in the art and not out of the realm of Vayda.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Roswell whose telephone number is (571)272-4055. The examiner can normally be reached on 8:30 - 6:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dennis Chow can be reached on (571) 272-7767. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tadesse Hailu/
Primary Examiner, Art Unit 2173

Michael Roswell
9/23/2008